

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

GREGORY PAUL VIOLETTE,

Plaintiff,

V.

INTERBAKE FOODS, LLC.

Defendant.

Case No.

Removed from Maine Superior Court,
Kennebec County,
Docket No. 2022-CV-43

NOTICE OF REMOVAL

Defendant Interbake Foods, LLC (“Interbake”), by counsel, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby serves notice of its removal of this action from the Maine Superior Court, Kennebec County, (“Kennebec County Superior Court”) to the United States District Court for the District of Maine. In support of removal, Interbake provides this “short and plain statement of the grounds for removal.” 28 U.S.C. § 1446(a); *see also Dart Cherokee Basis Operating Co. v. Owens*, 574 U.S. 81, 87 (2014) (“By design, § 1446(a) tracks the general pleading requirement stated in Rule 8(a) of the Federal Rules of Civil Procedure.”) Removal is proper on the following grounds:

1. On or about January 18, 2022, Plaintiff, Gregory Paul Violette (“Plaintiff”), signed a Summons and Complaint issued from the Kennebec County Superior Court. *See* Exhibit A.
2. The thrust of Plaintiff’s allegations against Interbake is that it improperly sold a food product that contained high-fructose corn syrup, which was purchased and consumed by Plaintiff and which he claims caused him harm. *Id.*

3. On January 31, 2022, Plaintiff effectuated service on Interbake via certified mail. *See* Ex. B. Receipt of service was Interbake's first receipt of the Complaint and Summons.

4. For the reasons discussed below, this Court has jurisdiction over this case pursuant to 28 U.S.C. § 1332(a) on the basis of diversity of citizenship and amount in controversy and this case is removable pursuant to 28 U.S.C. § 1441(b).

6. Defendants are removing this lawsuit to this Court pursuant to 28 U.S.C. § 1441(a), which authorizes removal "to the district court of the United States for the district and division embracing the place where such action is pending." *Id.*

DIVERSITY OF CITIZENSHIP

7. Interbake is a limited liability corporation organized under the laws of the State of Delaware, with a principal place of business and corporate headquarters in Brownsburg, Indiana.

8. The sole member of Interbake Foods, LLC is Hearthside Holdco, LLC, a Delaware limited liability company.

9. The members of Hearthside Holdco, LLC are Hearthside USA Corporate, Inc. and Hearthside US Holdings, LLC.

10. Hearthside USA Corporate, Inc. is a Delaware corporation with a principal place of business in Illinois.

11. The sole member of Hearthside US Holdings, LLC is Hearthside Acquisition VII-B Corp., which is a Delaware corporation with a principal place of business in Illinois.

12. Diversity of citizenship exists between Plaintiff and Defendant because Plaintiff is a citizen of Maine and Interbake is not a citizen of Maine.

AMOUNT IN CONTROVERSY

13. The allegations set forth in the Complaint establish that the amount in controversy in this case exceeds \$75,000 exclusive of interest and costs. Plaintiff seeks damages “in the amount of \$550,000.” Ex. A, Compl. at 2. Accordingly, allegations of the Complaint satisfy the amount in controversy requirement for subject matter jurisdiction based on diversity.

OTHER REQUIREMENTS FOR REMOVAL

5. On January 31, 2022, Plaintiff effectuated service on Interbake via certified mail. *See* Ex. B.

6. On February 18, 2022, Plaintiff’s Complaint and Summons were filed in the Kennebec County Superior Court.

14. Pursuant to 28 U.S.C. § 1446(b), this notice is being filed within 30 days of service of Plaintiff’s Complaint and within 30 days of filing of Plaintiff’s Complaint. Accordingly, this Notice is timely filed.

15. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be filed promptly with the Kennebec County Superior Court and served upon Plaintiff.

16. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon or by Interbake in the state court lawsuit are attached hereto as Exhibit A.

WHEREFORE, Defendant Interbake Foods, LLC respectfully notifies the Court, the Kennebec County Superior Court and Plaintiff of the removal of this action from the

Kennebec County Superior Court to the United States District Court for the District of
Maine.

Dated: February 22, 2022

Respectfully Submitted,

/s/ Jeffrey D. Russell

Jeffrey D. Russell, Maine Bar #4506

LAMBERT COFFIN

Two Monument Square

Suite 400

P.O. Box 15215

Portland, Maine 04112-5215

Phone: (207) 874-4000

Fax: (207) 874-4040

Email: jrussell@lambertcoffin.com

*Attorney for Defendant Interbake Foods,
LLC*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served on the following this 22nd day of February, 2022, by electronically filing the same with the Clerk of the Court, and by Certified Mail to the Plaintiff:

Gregory Paul Violette, Plaintiff
P.O. Box 2817
Waterville, Maine 04903
(207) 399-7567

/s/ Jeffrey D. Russell
Jeffrey D. Russell

LAMBERT COFFIN
Two Monument Square
Suite 400
P.O. Box 15215
Portland, Maine 04112-5215
Phone: (207) 874-4000
Fax: (207) 874-4040
Email: jrussell@lambertcoffin.com

*Attorney for Defendant Interbake Foods,
LLC*